



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 30, 1994

Mr. Edward H. Perry  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR94-884

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26582.

The City of Dallas (the "city") received a request for information concerning the placement of commercial signs on city-owned property near schools. You state that the city will release some information to the requestor but objects to the release of three documents that you have submitted for our review. You claim the documents are excepted from required public disclosure under sections 552.106, 552.107, and 552.111 of the Government Code.

Section 552.106 excepts "[a] draft or working paper involved in the preparation of proposed legislation." Section 552.106 protects the internal deliberative processes of a governmental body in enacting legislation. Open Records Decision No. 248 (1980). It does not, however, except basically factual information. Open Records Decision No. 344 (1982). Although section 552.106 is designed to encourage frank discussion on policy matters between subordinates or advisors of a legislative body, it is specifically applicable only to "preparation of proposed legislation." Open Records Decision No. 429 (1985) at 5. Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. Open Records Decision No. 460 (1987).

Although the city claims that a city ordinance would be required to implement the installation of "Drug Free" and "Safe School" signs, you do not claim nor is there any indication that the documents relate to the preparation of such an ordinance. You may not, therefore, withhold the documents under section 552.106 of the Government Code.

Section 552.107(1) excepts from disclosure

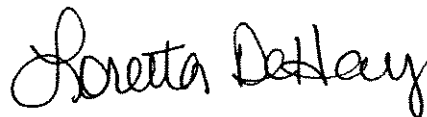
information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas.

Information may be withheld under section 552.107(1) only to the extent that it documents confidences of a governmental representative to its attorney or reveals the attorney's legal advice and opinions. Open Records Decision Nos. 589 (1991); 574 (1990).

You claim that one of the documents, the handwritten notes by an attorney with the city, is excepted under section 552.107. We have reviewed the document and agree that it may be withheld under section 552.107 of the Government Code.

Finally, you claim that section 552.111 of the Government Code may except the information from required public disclosure. Section 552.111 excepts "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In a recent opinion that reexamined the section 552.111 exception, this office concluded that section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5 (copy enclosed). The policymaking functions of an agency, however, do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.* For your convenience, we have marked the information that may be withheld under section 552.111 of the Government Code. The remaining information must be released to the requestor. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/LBC/rho

Ref.: ID# 26582

Enclosures: Open Records Decision No. 615  
Marked documents

cc: Mr. Joe Martin  
Box 4133  
Dallas, Texas 75208  
(w/o enclosures)